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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE: HOLOCAUST VICTIM ASSETS
LITIGATION

This Document Relates to: All Cases

X
:
: Case No. CV 96-4849 (ERK)(MDG)
:
: (Consolidated with CV 96-5161
:
: and CV 97-461)

MEMORANDUM & ORDER

X

**MEMORANDUM & ORDER APPROVING SET 14HBJ¹ OF DECISIONS ON
APPEAL**

KORMAN, J.:

As provided under the Settlement Agreement, and in accordance with the procedures established in the December 8, 2000 Memorandum & Order, in the December 14, 2006 Memorandum & Order, and in the Plan of Allocation and Distribution of Settlement Proceeds, Special Master Helen B. Junz is hereby requesting the Court's approval of the 9 Decisions on Appeal listed in Annex A to this Order. At the direction of the Court, Special Master Junz was not involved in the initial review of the CRT's recommendations in connection with the 9 decisions described herein. Accordingly, the Court determined that it was appropriate for her to review these decisions on appeal and to provide her appellate recommendations to the Court.

Under Article 22(2), the Rules further provide that "[a]n Award may be made of the value of an Account in favor of a Claimant if:

¹ This being the fourteenth Set of Appeal Decisions submitted to the Court by Special Master Helen B. Junz.

- a) the Claimant has identified a person with precisely the same name as the Account Owner, or the Claimant has accurately identified a person with substantially the similar name as the Account Owner or a credible pseudonym, and where applicable, has provided a plausible explanation for the difference in names; and
- b) the CRT is satisfied that the information provided by the Claimant is consistent with unpublished information in the bank records...”

In one of these 9 cases, *In re the Account of Mihail Atias*, the CRT determined that the name of the Claimed Account Owner did not match to that of the owner of any account in the database available to it. However, new documentation submitted by the Appellant in support of his Appeal indicated that during the relevant period an account had been held in the name of the Appellant with the *Société Générale de Surveillance, S.A.*, Geneva. Accordingly, this case is remanded to the CRT to issue a decision in light of the new evidence. In one of the remaining eight cases the CRT has determined, and the Special Master has confirmed this finding on appeal, that the Claimant was not able to identify his or her relative as the Account Owner or as the Power of Attorney Holder of record. Accordingly, this Appeal is dismissed.

The remaining seven cases involve Certified Awards. In all these seven cases the issues raised on Appeal were the assertion that the amount of the award was inadequate or that the Appellant was better entitled to the award than the actual recipient of the Award. In all these seven cases, the Special Master has confirmed on appeal that the CRT's award determination was correct. In one case, *In re the Accounts of André Gluckstahl and Ludwig*

Glucksthal, the Appellant, in addition to asserting that the amount of the award to the account of André Gluckstahl was inadequate, asserted that she had never received a decision to the account of Ludwig Glucksthal. In this case, the Special Master confirmed on appeal that the CRT was correct, both in the determination of the amount of the award of the account of André Gluckstahl and in not issuing a separate decision regarding the account of Ludwig Glucksthal. As concerns the latter, the CRT has no bank information on an account held in the name of Ludwig Glucksthal and the information provided by the Appellant related to accounts published and treated under CRT I, for which the CRT has no jurisdiction. Accordingly, this case is affirmed in full.

In view of the above, it is hereby

ORDERED that the 9 Decisions on Appeal listed in Annex A are hereby approved and shall be distributed to the relevant Claimants by the CRT.

It is further ordered that the Special Master shall provide the Court with the name and address of every Claimant receiving a Decision on Appeal, which information shall be filed with the Court under seal.

Dated: Brooklyn, New York
January 21, 2011

SO ORDERED:

 ERK

Edward R. Korman
United States District Judge

[Set 14 HBJ] Annex A – UNREDACTED
CONFIDENTIAL

Special Master Helen B. Junz hereby certifies as of January 13, 2011 the following decisions on appeal for approval by the Court:

Appeal Number		Account Owner's Name and Claim Number	Original Decision in Batch	Type	Disposition of the Appeal
1.	1389	Schwarz, Karl and Olga, 224455	115	Identity Denial	Dismissed
2.	1744	Glucksthal, André and Ludwig, 207632	142	Award inadequate and non-existence of account	Dismissed
3.	3058	Atias, Mihail et al., 213143	NML 52	No match letter	Remanded
4.	3069	Beit von Speyer, Elisabeth, 402250	177	Award inadequate	Dismissed
5.	3081	Rozen, Natan, 217462, 218770	178	Lesser entitlement	Dismissed
6.	3096	Mendelssohn & Co., 205199, 501771, 785948	183	Non-entitlement	Dismissed
7.	3097	Kremer, Salomon, 222869	178	Disposition and Award inadequate	Dismissed
8.	3206	Ullmann, Léopold, 402257	184	Award inadequate	Dismissed
9.	3243	Loewenthal, Alfred, 751151	189	Award inadequate	Dismissed